

Appl. No. 10/735,866  
Amdt. Dated: December 16, 2004  
Reply to Office Action of: November 16, 2004

### **REMARKS**

Applicant wishes to thank the Examiner for reviewing the present application.

The Examiner has requested a restriction of the claims under 35 U.S.C. 121 to one of two inventions, namely:

- I. Claims 1-10 to a storage device comprising a carousel
- II. Claims 11-13 to a method of moving articles between a storage location and a delivery location

The Applicant elects to traverse the restriction of the claims to invention I.

The Examiner believes that the two inventions are distinct because the method of moving articles between the delivery station and the storage carousel as claimed in claim 11 can be done with apparatus other than that of claim 1, for example with a robot located external to and adjacent to the carousel. The Applicant respectfully disagrees with this conclusion.

Claim 1 is directed to a storage device having a carousel with a plurality of locations disposed about an axis to receive articles, a delivery station axially spaced from these locations and a robotic device located within the carousel. The robotic device is used to transfer articles between one of the locations and the delivery station and is moveable radially relative to the axis toward and away from the locations and axially between the locations and the delivery station.

Claim 11 is directed to a method of moving articles between a delivery station and storage locations in a carousel. The method comprises the steps of moving the article radially between the location and the interior of the carousel and axially within the carousel to the delivery station.

The limitations of claim 11, namely the radial movement to the interior and subsequent

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axial movement clearly requires a robotic device located in the interior. Accordingly, the method is directed towards the use of an apparatus as recited in claim 1. Claim 11 has been amended to emphasize that an article is moved by a robotic device radially between its storage location and the interior of the carousel and then moved axially within the carousel to the delivery station.

A robot located adjacent the carousel would be unable to move an article radially to within the interior of the carousel and would require at least part of the device to be in the interior. If this were not the case, the robot could not also reasonably move the article axially within the carousel, as claim 11 recites, to the delivery station as it would be located outside the carousel. Such an arrangement can not be considered a suitable implementation of the method recited in claim 11 and clearly the intention of the method recited in claim 11 is to move the article within the interior of the carousel using an apparatus such as that recited in claim 1.

In view of the foregoing it is believed that inventions I and II are not distinct, and are directed to the same invention. Specifically the method of claim 11 can only reasonably be practiced using an apparatus such as that recited in claim 1.

Accordingly, although the Applicant has provisionally elected invention I, under 37 C.F.R. 1.143 the Applicant requests that the Examiner reverse his restriction requirement and examine claims 1-13 as a single invention.

The Examiner has also requested an election requirement under 35 USC 121 to one of two species, namely:

- I. The embodiment represented by Figures 1 and 2
- II. The embodiment represented by Figure 7

The Applicant wishes to elect species II.

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Claims 1-6 and 8-10 read on the embodiment of figures 1 and 2 and the embodiment of figure 7 and accordingly are generic. Therefore the election is moot since all claims read on the elected species, namely species II.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,



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